



Law Offices
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOV, LTD.
 Patents, Trademarks & Copyrights
 12th Floor - Seven Penn Center
 1635 Market Street
 Philadelphia, PA 19103-2212
 (215) 567-2010
 Fax : (215) 751-1142

Alan H. Bernstein
Stanley H. Cohen
Manny D. Pokotilow
Barry A. Stein
Martia L. Faigus
Eric S. Marzluft
Robert S. Silver
Michael J. Berkowitz
*Scott M. Slomowitz**
Mona Gupta

David M. Tener
*Salvatore R. Guerriero**
James J. Kozuch
William J. Castillof
Fraak M. Linguiti
Gary A. Greene
Michael J. Cornelison
Bruce J. Chasan
Marina E. Volin

001
 OFFICIAL

RECEIVED
 CENTRAL FAX CENTER

OCT 06 2003

A.D. Caesar
(1901-1995)
Charles W. Rivise
(1900-1951)
Counsel
Allan H. Fried
Of Counsel
*Max Goldman**
 * Also admitted to practice in NJ
 † Admitted only in NJ and NY

FACSIMILE TRANSMITTAL SHEET

October 3, 2003

TO: Examiner A. Chakrabarti
 Group Art Unit 1634
 U.S. Patent & Trademark Office
 FACSIMILE NO.: (703) 872-9306
 FROM: David M. Tener, Esq.
 NO. OF PAGES: 7 (Including Cover)

Our Reference No.: E1047/20060

IF YOU DO NOT RECEIVE ALL THE PAGES INDICATED ABOVE, PLEASE CALL US BACK AS SOON AS POSSIBLE. This transmittal contains **PRIVILEGED AND CONFIDENTIAL** information intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that any dissemination or copying is strictly prohibited. If you have received the transmission in error, please call us immediately by telephone (collect) and we will make arrangements with you to have the original facsimile returned to us at our expense. Thank You.

FACSIMILE TRANSMISSION CERTIFICATION

I hereby certify that this correspondence (including the attached Request for Reconsideration, Terminal Disclaimer, Statement Under 37 CFR 3.73(b) and Fee Transmittal in duplicate) regarding the application identified below, is being transmitted via facsimile to the United States Patent and Trademark Office on this 3rd day of October, 2003.


 David M. Tener, Reg. No. 37,054

Applicant(s): Glen H. BRIKSON et al.

Serial No: 09/911,047

Group Art Unit: 1634

Filed: July 23, 2001

Examiner: A. Chakrabarti

Att. Docket No.: E1047/20060

Confirmation No.: 3230

For: **HOMOGENEOUS ASSAY OF BIOPOLYMER BINDING BY MEANS OF
 MULTIPLE MEASUREMENTS UNDER VARIED CONDITIONS**

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 55.00)**Complete if Known**

Application Number 09/911,047
 Filing Date July 23, 2001
 First Named Inventor Glen H. ERIKSON et al.
 Examiner Name A. Chakrabarti
 Art Unit 1634
 Attorney Docket No. E1047/20060

OFFICIAL

RECEIVED

CENTRAL FAX CENTER

OCT 06 2003

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

03-0075

Caesar, Rivise et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 0.00)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| Independent Claims | -20** = | X | |
| Multiple Dependent Claims | -3** = | X | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1202 18 | 2202 9 | Claims in excess of 20 | |
| 1201 86 | 2201 43 | Independent claims in excess of 3 | |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid | |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|-------------------------------|-------------------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 2053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 280 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(d) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1602 900 | 1602 900 | Request for expedited examination of a design application | |
| | | Other fee (specify) Statutory Disclaimer 37 CFR 1.20(d) | 55.00 |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00)**SUBMITTED BY**

Name (Print/Type) David M. Tener

Registration No.

37.054

(Complete if applicable)

Telephone 215-567-2010

Signature

Date 10/03/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

COPY

PTO/SB/17 (10-03)

Approved for use through 07/31/2005. OMB 0551-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 55.00**Complete if Known**

| | |
|----------------------|------------------------|
| Application Number | 09/911,047 |
| Filing Date | July 23, 2001 |
| First Named Inventor | Glen H. ERIKSON et al. |
| Examiner Name | A. Chakrabarti |
| Art Unit | 1634 |
| Attorney Docket No. | E1047/20060 |

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

03-0075

Caesar, Rivise et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$ 0.00) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| | | | |
| Independent Claims | -20** = | X | |
| Multiple Dependent Claims | -9** = | X | |

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|--|------------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 | |
| 1203 | 280 | 2203 | 145 | Multiple dependent claim, if not paid | |
| 1204 | 88 | 2204 | 43 | ** Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$ 0.00) |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1808 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) Statutory Disclaimer 37 CFR 1.20(d) | | | | | 55.00 |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 55.00**SUBMITTED BY**

Name (Print/Type) David M. Tener

Registration No.
(Attorney/Agent)

37,054

(Complete if applicable)

Telephone 215-567-2010

Signature

Date

10/03/2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION**

Applicant(s): Glen H. ERIKSON et al.

Serial No: 09/911,047

Group Art Unit: 1634

Filed: July 23, 2001

Examiner: A. Chakrabarti

Att. Docket No.: E1047/20060

Confirmation No.: 3230

For: HOMOGENEOUS ASSAY OF BIOPOLYMER BINDING BY MEANS OF
MULTIPLE MEASUREMENTS UNDER VARIED CONDITIONS**REQUEST FOR RECONSIDERATION**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 30, 2003, favorable reconsideration is respectfully requested in view of the following remarks. Claims 1-29 are pending.

Applicants gratefully acknowledge the indication in the Office Action that the pending obviousness-type double patenting rejection of claims 1-18 and 20-29 (the sole rejection in the Office Action) can be overcome by the filing of a Terminal Disclaimer over U.S. Patent No. 6,265,170 B1. Such a Terminal Disclaimer and a Statement Under 37 CFR 3.73(b) are attached to obviate these rejections. Authorization to charge the corresponding fee to our Deposit Account No. 03-0075 is provided in the attached Fee Transmittal Form. Accordingly, reconsideration and withdrawal of the obviousness-type double patenting rejection of claims 1-18 and 20-29 are respectfully requested.

Application No. 09/911,047
Request for Reconsideration Dated October 3, 2003
Reply to Office Action of September 30, 2003


For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By



David M. Tener
Registration No. 37,054
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

October 3, 2003

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.

RECEIVED
CENTRAL FAX CENTER

OCT 06 2003

OFFICIAL